

UNITED STATES DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Case Number 3:20-CV-00482-KDB-DSC

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JOHNATHAN S. HENSLEY, on behalf of  
himself and others similarly situated,

*Plaintiff,*

v.

CITY OF CHARLOTTE, a North Carolina  
municipal corporation,

*Defendant.*

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**DECLARATION OF JOHNATHAN S. HENSLEY IN  
SUPPORT OF PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

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NOW COMES, Plaintiff Johnathan S. Hensley, pursuant to 28 U.S.C. § 1746, and declares as follows:

1. I am over twenty-one years old, of sound mind, and I have personal knowledge of the facts set forth in this Declaration.

2. I am a citizen and resident of Mecklenburg County, North Carolina.

3. On November 22, 2017, I was driving a motorcycle that was involved in a collision (“the Accident”) with another motor vehicle.

4. The Accident occurred within the City of Charlotte, Mecklenburg County, North Carolina.

5. The Accident was investigated by a police officer from the Charlotte-Mecklenburg Police Department (“CMPD”) who arrived on the scene of the Accident shortly after the Accident occurred.

6. At the scene of the Accident, I told the responding CMPD police officer my name and then, a few minutes later, I confirmed the accuracy of my date of birth that the officer looked up.

7. I did not provide my driver’s license to the responding CMPD officer.

8. I did not provide either my driver’s license number or the last four digits of my nine-digit zip code to the responding CMPD officer—I did not even know the last four digits of my zip code.

9. My driver’s license at the time of the Accident was issued by the North Carolina Division of Motor Vehicles.

10. The responding CMPD officer completed a DMV-349 crash report (“the Report”) for the Accident which Report contained my:

- a. full name;
  - b. address including nine-digit zip code;
  - c. date of birth;
  - d. North Carolina driver's license number; and
  - e. telephone number.
11. On the Report, the responding CMPD officer checked "Yes" in the "Same Address as Driver's License" box, confirming that my address shown on the Report was the same address shown on my North Carolina driver's license.
12. Shortly after the Accident, I received a number of solicitation letters from North Carolina lawyers who were aware that I had been in the Accident and who, in their letters, expressed a desire for me to hire them to pursue an injury claim against the other driver in the Accident—a number of these letters contained a copy of the DMV-349 Crash Report from the Accident. I retained some of those letters and true and accurate copies of the documents that I retained are attached hereto as follows:

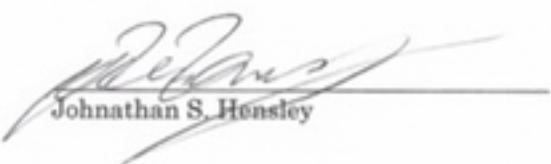
the envelope of Attorney DeMayo's letter along with part of the DMV-349 Crash Report that was enclosed in that envelope.

13. I have been involved in at least one earlier motor vehicle crash in Mecklenburg County, North Carolina, and the investigating CMPD officer for that earlier crash told me that the CMPD would post a copy of the DMV-349 report for that crash on the internet.

14. Though I am employed, I am of limited financial means; I cannot afford to personally pay anything toward a bond in connection with a preliminary injunction in this case. Typically, after I pay my monthly living expenses and pet food for my dog, I have very little money left over—maybe enough to afford to go out to eat a couple of times each month.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 13, 2020



Johnathan S. Hensley